

OMB Watch – TRI Industry Scope (comments made on 11-08-2011)

Comment #1 - Recommendations to Further Strengthen the TRI Program

While somewhat apart from the issue currently being considered, OMB Watch strongly encourages EPA to also implement a process that will regularly add new chemicals to the TRI program. We applauded EPA's recent action to add to the TRI program 16 chemicals classified by the National Toxicology Program (NTP) as reasonably anticipated to be human carcinogens. An expansion of the list of chemicals covered by the TRI program had been needed for years. EPA has taken an important first step toward prioritizing chemicals by selecting the 16 chemicals. But, given the large number of chemicals developed each year, this step was a very small one.

We recommend the agency initiate a periodic review process for new chemicals that is integrated across EPA offices to take advantage of data and expertise held by different programs, agencies, states, countries, and other federal and international authoritative bodies. EPA should also consider the results of biomonitoring studies, such as those conducted by the Centers for Disease Control and Prevention's (CDC) National Biomonitoring Program. Biomonitoring measures the presence of specific contaminants in human bodies. Such data could be used both to broaden the universe of chemicals under consideration for addition to the TRI program and to identify priority chemicals.

Given the high number of chemicals for possible evaluation and EPA's resource constraints, the agency should work with public stakeholders to develop a system for prioritizing specific chemicals or classes of chemicals for review.

Comment #2 - Adding New Reporting Industries

OMB Watch welcomes the opportunity to comment on the US. Environmental Protection Agency's (EPA) plans to potentially expand the scope of sectors covered by the Toxics Release Inventory (TRI) Program.

OMB Watch is a nonprofit research and advocacy organization whose core mission is to promote government accountability and improve citizen participation. Public access to government-held information has been an important part of our work for more than 15 years. In 1989, we created the Right-to-Know Network (RTK NET), an online service providing public access to environmental data collected by the EPA. TRI has long been a prominent feature of RTK NET and the work of OMB Watch.

OMB Watch strongly supports EPA's proposal to expand the scope of sectors covered by the TRI program to add the following 6 new industry sectors—phosphate mining; iron ore mining; solid waste combustors and incinerators; large dry cleaning facilities; bulk petroleum storage; and steam generating facilities. We believe the industry sectors that EPA has selected for this expansion will strengthen the TRI program. The TRI program has not added a new industry sector since seven industries were added in 1997. An expansion of the industry sectors covered by the TRI program has been needed for years.

There are several additional sectors that EPA should consider, many of which may not be major sources of pollution on the national level, but are significant contributors in their regions. Currently, industries such as oil and gas extraction, sewage treatment plants, factory farms, airports and airlines, and shipping companies are not required to report to TRI. EPA should take immediate steps to review and add such polluting industry sectors to TRI.

While highly supportive of the agency's proposal, OMB Watch also encourages the EPA to strengthen the TRI program by regularly analyzing whether new industry sectors warrant addition to the list of covered industries and to regularly review and add new chemicals (which we will address in a separate comment).

OMB Watch recommends that EPA establish a regular, periodic process for the agency to review and select industry sectors and specific facilities for addition to TRI on a regular basis. A regular review will prevent the 14-year period of inactivity. As the agency develops this process, it should work with public stakeholders in a transparent and participatory manner.

Prior to the addition of seven industry sectors in 1997, EPA designed and executed a screening process to identify industries that potentially should be covered (see <http://www.epa.gov/fedrgstr/EPA-TRI/1997/May/Day-01/tri11154.htm>). EPA reviewed other agency databases, such as the Biennial Report System and the Permit Compliance System, for relevant industry information. The agency compiled “industry profiles” and ranked the sectors before making its decision. EPA should undertake a similar review and incorporate it as a regular part of the TRI program. The review should include significant public outreach to gather information and collect public comments.